

## **REMARKS**

This is a full and timely response to the outstanding Final Office Action mailed December 18, 2006. Upon entry of the amendments in this response, claims 1 – 21 and 52 – 63 remain pending. In particular, Applicants amend claims 1 – 3, 16 – 18, 52 – 54, and 60 without prejudice, waiver, or disclaimer. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **I. Status of the Drawings**

The Office Action fails to indicate whether the drawings are accepted. Applicants respectfully submit that the drawings conform to USPTO standards and request indication that the drawings are accepted.

### **II. Rejections Under 35 U.S.C. §102**

#### **A. Claim 1 is Allowable Over *Rakib***

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2004/0172658 (“*Rakib*”). Applicants respectfully traverse this rejection on the grounds that *Rakib* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 1 recites:

A master set top terminal (STT), comprising:  
a first tuner tuning a television signal from a received multiplexed signal, into a first tuned television signal;  
a second tuner tuning the television signal from the received multiplexed signal, into second tuned television signal;  
an encoder coupled to the first tuner and receiving the first tuned television signal and digitally encoding the first tuned television signal;  
a transmitter coupled to the encoder and transmitting the encoded signal to a remote STT to be displayed on a first viewing device;

a receiver receiving a control signal from the remote STT corresponding to a user input;

a controller coupled to the receiver and configured to accept the control signal from the receiver and instruct the first tuner to change the tuned television signal in response thereto, such that the transmitter transmits a changed encoded signal to the remote STT for display on the first viewing device; and

***a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal to a second viewing device, the second viewing device being different than the first viewing device. (emphasis added)***

Applicants respectfully submit that claim 1, as amended, is allowable over the cited art for at least the reason that *Rakib* fails to disclose, teach, or suggest a “master set top terminal (STT), comprising... ***a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal to a second viewing device, the second viewing device being different than the first viewing device***” as recited in claim 1, as amended. More specifically, *Rakib* appears to disclose “a gateway... which couples any one of a number of different subscriber service delivery networks which are external to a customer premises to one or more local area networks” (page 4, paragraph [0037]). Applicants respectfully submit that this is different than “***a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal to a second viewing device, the second viewing device being different than the first viewing device***” as recited in claim 1, as amended. For at least this reason, claim 1, as amended, is allowable over the cited art.

**B. Claims 16 is Allowable Over *Rakib***

The Office Action indicates that claim 16 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Rakib*. Applicants respectfully traverse this rejection on the grounds that *Rakib* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claim 16 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 1. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

**III. Rejections Under 35 U.S.C. §103**

**A. Claim 17 is Allowable Over *Rakib***

The Office Action indicates that claim 17 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Rakib*. Applicants respectfully traverse this rejection for at least the reason that *Rakib* fails to disclose, teach, or suggest all of the elements of claim 17. More specifically, claim 17 recites:

A master set top terminal (STT), comprising:  
a first tuner tuning a digital television signal from a received multiplexed signal into a first tuned digital television signal;  
a second tuner tuning the digital television signal from the received multiplexed signal into a second tuned digital television signal;  
a transmitter coupled to the first tuner and transmitting the first tuned digital television signal to a remote STT to be displayed on a first viewing device;  
a receiver receiving a control signal from the remote STT corresponding to a user input;  
a controller coupled to the receiver and configured to accept the control signal from the receiver and instruct the first tuner to change the first tuned digital television signal in response thereto, such that the transmitter transmits the changed first tuned digital television signal to the remote STT for display on the viewing STT within two seconds from the remote STT receiving the user input; and  
*a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal*

*to a second viewing device, the second viewing device being different than the first viewing device. (emphasis added)*

Applicants respectfully submit that claim 17, as amended, is allowable over the cited art for at least the reason that *Rakib* fails to disclose, teach, or suggest a “master set top terminal (STT), comprising... *a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal to a second viewing device, the second viewing device being different than the first viewing device*” as recited in claim 17, as amended. More specifically, *Rakib* appears to disclose “a gateway... which couples any one of a number of different subscriber service delivery networks which are external to a customer premises to one or more local area networks” (page 4, paragraph [0037]). Applicants respectfully submit that this is different than “*a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal to a second viewing device, the second viewing device being different than the first viewing device*” as recited in claim 17, as amended. For at least this reason, claim 17, as amended, is allowable over the cited art.

**B. Claim 52 is Allowable Over *Rakib***

The Office Action indicates that claim 52 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Rakib*. Applicants respectfully traverse this rejection for at least the reason that *Rakib* fails to disclose, teach, or suggest all of the elements of claim 52. More specifically, claim 52 recites:

A television distribution system comprising:  
a remote set top terminal (STT) comprising:

- a first receiver receiving an encoded video signal from a master STT;
- a decoder coupled to the first receiver and translating the encoded video signal into a decoded video signal suitable for a first viewing device;
- a user interface receiving a user input and converting it to a control signal;
- a first transmitter coupled to the user interface and sending the control signal to the master STT to achieve a change in the encoded video signal;
- the first receiver receives a change in the encoded video signal responsive to the control signal, wherein the remote STT sends the change to the first viewing device within three seconds of the user input;
- a master STT comprising:
  - a first tuner tuning a television signal from a received multiplexed signal, into a first tuned television signal;
  - a second tuner tuning a television signal from the received multiplexed signal into a second tuned television signal;
  - an encoder coupled to the first tuner and encoding the first tuned television signal;
  - a second transmitter coupled to the output of the encoder, and sending an encoded video signal to the remote STT;
  - a second receiver receiving the control signal from the remote STT;
  - a controller coupled to the receiver and configured to accept the control signal from the receiver and instruct the first tuner to change the first tuned television signal in response thereto, such that the transmitter transmits a changed encoded signal to the remote STT for display on the first viewing device within three seconds from the remote STT receiving the user input; and
- a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal to a second viewing device, the second viewing device being different than the first viewing device. (emphasis added)*

Applicants respectfully submit that claim 52, as amended, is allowable over the cited art for at least the reason that *Rakib* fails to disclose, teach, or suggest a “television distribution system comprising... a master STT comprising... *a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal to a second viewing device, the second viewing device being different than the first viewing*

*device*” as recited in claim 52, as amended. More specifically, *Rakib* appears to disclose “a gateway... which couples any one of a number of different subscriber service delivery networks which are external to a customer premises to one or more local area networks” (page 4, paragraph [0037]). Applicants respectfully submit that this is different than “*a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal to a second viewing device, the second viewing device being different than the first viewing device*” as recited in claim 52, as amended. For at least this reason, claim 52, as amended, is allowable over the cited art.

**C. Claims 2 – 14, 18 – 21, 53 – 59, and 63 are Allowable Over *Rakib***

The Office Action indicates that claims 2 – 14, 18 – 21, 53 – 59, and 63 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Rakib*. Applicants respectfully traverse this rejection for at least the reason that *Rakib* fails to disclose, teach, or suggest all of the elements of claims 2 – 14, 18 – 21, 53 – 59 and 63. More specifically, dependent claims 2 – 14 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claims 18 – 21 are believed to be allowable for at least the reason that they depend from allowable independent claim 17. Dependent claims 53 – 59 and 63 are believed to be allowable for at least the reason that they depend from allowable independent claim 52. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

**D. Claims 15 and 60 – 62 are Allowable Over *Rakib* and *Ellis***

The Office Action indicates that claims 15 and 60 – 62 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Rakib* and U.S. Publication No. 2005/0028208 (“*Ellis*”). Applicants respectfully traverse this rejection for at least the reason that *Rakib* and *Ellis* fails to disclose, teach, or suggest all of the elements of claims 15 and 60 – 62. More specifically, dependent claim 15 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 1. Dependent claims 60 – 62 are believed to be allowable for at least the reason that they depend from allowable independent claim 52. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

**IV. Official Notice**

In rejecting claims 8 – 10, the Office Action indicates that “Official Notice is taken that low latency for transmission signal between two devices is achieved by immediately encoding and transmitting a lower quality signal first and then transmitting the high quality signal is well known in the art” (page 7, line 14). Applicants respectfully traverse the finding in the Office Action of Official Notice. Per MPEP 2144.03(A), “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” Also, per MPEP 2144.03(B), “If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge.”

As specific factual findings predicated on sound technical and scientific reasoning in support of the conclusion of common knowledge are not provided in the Office Action, the

Official Notice and the rejections based upon this finding should be withdrawn. Further, under 37 C.F.R. § 1.104(d)(2), if the rejections are based on facts within the personal knowledge of the examiner, “the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons.” Therefore, if this rejection is maintained, Applicants respectfully request that document(s) be provided as support.



## CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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